

Drawn By: Kevin Ashley
Return to: City of Concord ROD Box

PIN: 4599-87-0929

**NORTH CAROLINA
CABARRUS COUNTY
CITY OF CONCORD**

**ORDER OF THE CITY OF CONCORD
PLANNING AND ZONING
COMMISSION CASE Z-(CD)-10-14**

This matter concerning a request to rezone property from Residential Village (RV) to Conditional District Light Commercial (CD-C-1) came before the City of Concord Planning and Zoning Commission on August 19, 2014 and September 16, 2014. The Planning and Zoning Commission, having heard the evidence presented by witnesses duly sworn, considered the argument of the parties, makes the following:

FINDINGS OF FACT

1. The property owner and applicant are Tracey Allen Salomon and Wife Lisa Ann Salomon (DB 10909 PG 277).
2. The subject property is located at 375 Pitts School Road NW
3. The subject property is approximately 2.14 acres.
4. The item was initially considered by the Commission at their August 19 hearing.
5. The Commission continued the item until the September 16 hearing in order to allow the applicant to meet with the neighbors.
6. Neighborhood meetings were held on site on August 19 and September 9.
7. The subject property is zoned RV (Residential Village).
8. The 2015 Land Use Plan designates the property as "residential".
9. The property is improved with a single family residence of approximately 1,509 square feet, and Cabarrus County records indicate that the structure was built in 1949.
10. The applicant submitted a general site plan which indicates conversion of the existing single family home to a used car sales lot and a live-work unit.
11. Subsequent to the two neighborhood meetings, the applicants have amended their initial application to rezone 0.88 acres of the total ownership.
12. The applicants have also amended the site plan to reduce the number of cars for sale on site, to add a small floor area addition and a detached storage shed to the rear of the structure, and to relocate the parking area to the rear of the property.
13. Used car sales and live-work units are both permissible in the C-1 district.
14. The general site plan meets the standards of the Concord Development Ordinance.
15. The applicant proposes to maintain the residential façade of the existing structure.

STATEMENT OF CONSISTENCY

1. The subject property is approximately 0.88 acres.
2. The subject property is improved with a single family residence.
3. The property is zoned Residential Village (RV) and the 2015 Land Use Plan designates the subject property as "residential."
4. The surrounding properties are zoned Neighborhood Business and Office (B-1), Residential Village (RV) and Residential Low Density (RL.)
5. The proposed zoning amendment is generally consistent with the 2015 Land Use Plan (LUP) because the LUP allows rezoning to C-1 in the "residential" land use designation provided that the request meets two of three stated criteria. The request fully meets two criteria and partially meets the third.
6. The zoning amendment is reasonable and in the public interest because the applicant proposes to limit the scale of the proposed use and to maintain the residential façade of the existing structure and the plan meets the requirements of the 2015 land use plan.

CONCLUSIONS OF LAW

1.The size of the tract in question.

The size of the tract proposed for rezoning is approximately 0.88 acres.

2.Whether the proposal conforms with and furthers the goals and policies of the Comprehensive Plan, other adopted plans, and the goals, objectives, and policies of this Ordinance.

The 2015 Land Use Plan (LUP) designates the property as "residential." C-1 zoning is consistent with the LUP provided two of three criteria have been met. The proposal meets two of the three, and partially meets the third. As a result, the request is generally consistent with LUP.

3.The relationship of the uses envisioned under the new zoning and the uses currently present in adjacent tracts, as follows:

- **Whether 1) the proposed rezoning is compatible with the surrounding area, or 2) there will be adverse effects on the capacity or safety of the portion of street network influenced by the rezoning, or 3) parking problems, or 4) environmental impacts that the new use will generate such as excessive storm water runoff, water, air or noise pollution, excessive nighttime lighting, or other nuisances.**

The proposed rezoning is generally compatible with the surrounding area. The property is directly adjacent to commercially zoned property to the west. This property was part of an overall property proposed for a shopping center development in 2008. A portion of the overall tract fronting Clover Road was rezoned back to RV zoning, and the remaining B-1 property remains undeveloped. The applicant has proposed limiting the scale of the proposed development. No changes to the exterior of the structure are proposed, and the structure will maintain its exterior residential façade. No street capacity or parking issues are expected as a result of the rezoning and the development will be required to obtain technical site plan approval. Storm water issues and lighting will be reviewed and addressed at the time of technical site plan approval.

- **Any change of character in the area due to installation of public facilities, other zone changes, new growth trends, deterioration, and development.**

The proposed development will not likely significantly impact the character of the area, as the subject property is located on a thoroughfare, is adjacent to commercially zoned property and the proposed use is small scale in nature. However, the adjacent commercially zoned property is

vacant and the development contemplated for that site has not occurred.

- **The zoning districts and existing land uses of the surrounding properties.**

Surrounding properties are a mixture of residential and vacant land. Industrial zoning and uses are located on the west side of Clover Road, approximately 650 feet to the west. Undeveloped commercial zoned land is located directly to the west. Surrounding zoning is a mixture of commercial and residential.

- **Whether the rezoning is compatible with the adjacent neighborhood, especially residential neighborhood stability and character.**

The proposed rezoning is small scale in nature and the applicant proposes to retain the property's residential façade; therefore the request appears to be compatible with the adjacent neighborhood. However, the commercially zoned land to the west has remained undeveloped since its rezoning.

- **The length of time the subject property has remained vacant as zoned.**

Cabarrus County records indicate that the property is improved with a single family home, constructed in 1949.

- **Whether there is an adequate supply of land available in the subject area and the surrounding community to accommodate the zoning and community needs.**

There would appear to be an adequate supply of commercially zoned property in the general area and city-wide.

ALL OF THE FOREGOING FINDINGS OF FACT, STATEMENT OF CONSISTENCY AND ALL CONCLUSIONS OF LAW WERE ADOPTED SEPARATELY AND BY UNANIMOUS VOTE.

THE PLANNING AND ZONING COMMISSION VOTES 3-3 TO GRANT THE REZONING TO CD-C1 WITH THE FOLLOWING CONDITIONS:


1. Development shall occur in accordance with the site plan prepared by Northeast Engineering, dated 9/12/14, which is included as "Attachment A."
2. Uses on the property shall be limited to automobile sales (no more than four cars), with detailing and washing, and a live-work unit.
3. No ground sign will be erected, and no vehicle repair will occur on site.
4. The project will be subject to technical site plan approval.

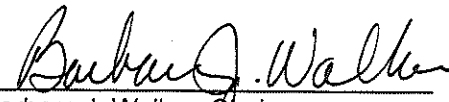
BECAUSE THE REQUIRED SUPER-MAJORITY WAS NOT ACHIEVED, THE PETITION IS DENIED.

SO ORDERED this the 16th day of September, 2014 by the Planning and Zoning Commission.

CITY OF CONCORD PLANNING AND ZONING COMMISSION

ATTEST:


Angela Baldwin, Secretary
10/1/2014

BY 
Barbara J. Walker, Chair

STATE OF NORTH CAROLINA

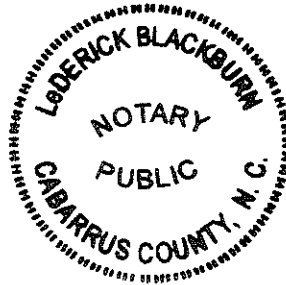
COUNTY OF CABARRUS

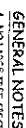
I, LeDerick Blackburn, a Notary Public of the aforesaid County and State, do hereby certify that Angela Baldwin personally appeared before me this day and acknowledged that Angela Baldwin she is the Secretary of the City of Concord Planning & Zoning Commission and that by authority duly given and as the act of the Planning & Zoning Commission, acting for the City of Concord pursuant to statute, the foregoing instrument was signed in its name by Barbara Walker, its Chair, and attested by Angela Baldwin, as its Secretary.

WITNESS my hand and notarial seal, this the 1 day of OCTOBER, 2013/4

LeDerick Blackburn
Notary Public

My commission expires: 5/1/2019





GENERAL NOTES

- a. NOTARIES WHO SPEAKS SHALL BE REQUIRED WITHIN THE 15 ELECTRIC ASSESSMENT PERIOD TO FILE A REPORT WITH THE BOARD.
- b. NOTARIES SHALL BE REQUIRED AT A TIME OF THE YEAR TO FILE A REPORT WITH THE BOARD.
- c. ANYONE WHO SPEAKS SHALL BE REQUIRED TO FILE A REPORT WITH THE BOARD.
- d. REQUIRED REPORTING SHALL BE REQUIRED AT A TIME OF THE YEAR TO FILE A REPORT WITH THE BOARD.
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- z. ANYONE WHO SPEAKS SHALL BE REQUIRED TO FILE A REPORT WITH THE BOARD.

DEVELOPMENT INFORMATION

PROJECT: EYAS, LLC
CONCORD, NORTH CAROLINA
OWNER: TRACY and LISA SALOWSON

ZONING INFORMATION

EXISTING ZONING PROPOSED ZONING	BY C-1-CU
TOTAL ADJACENT AREA TO BE REZONED TO C-1-CU ZONING	215 ACRES (PER LOT) 0.85 ACRES
AREA TO REMAIN IN EXISTING ZONING	177 ACRES

PARKING INFORMATION

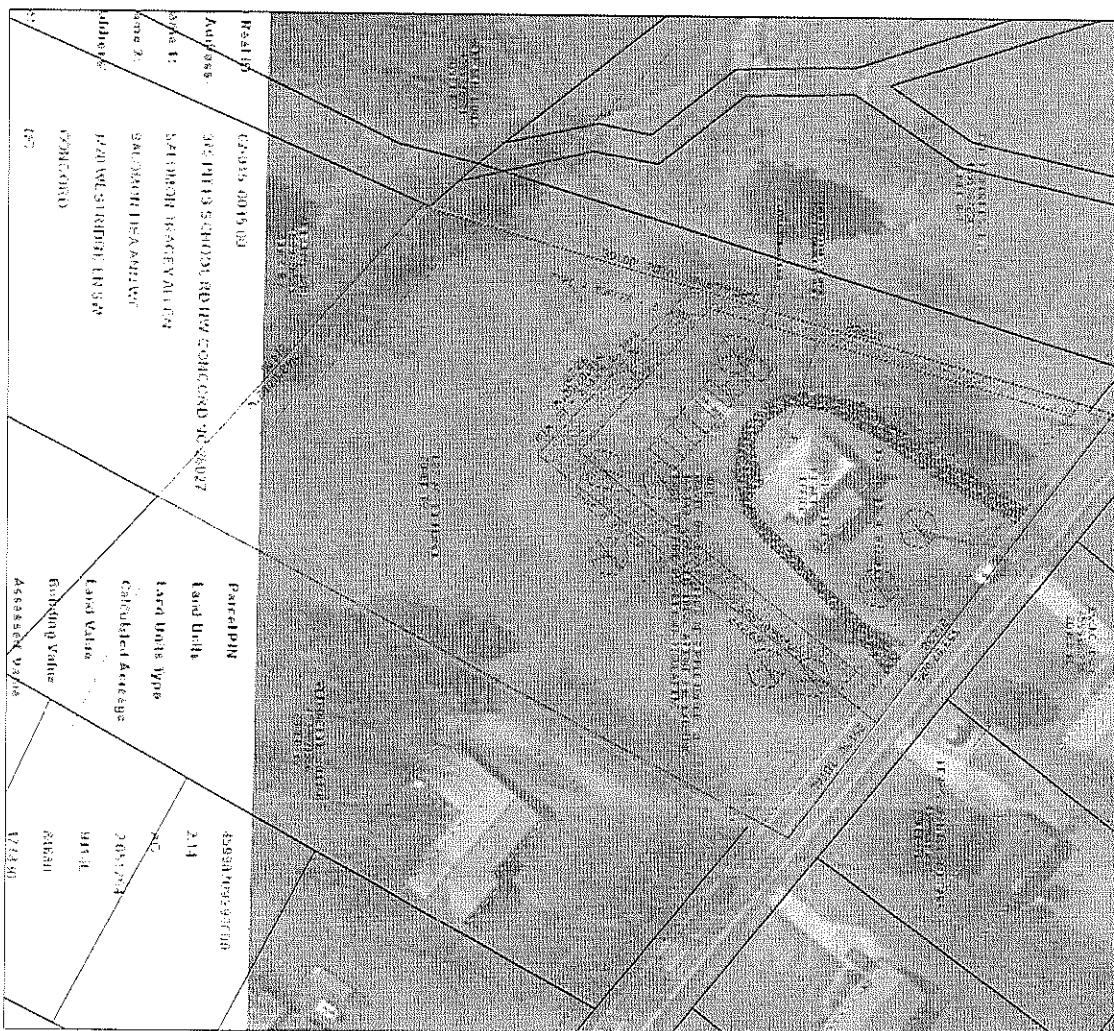
REQUIRED PARKING: 1 PER 375 SQ. FT. OF SPACE PLUS THREE (3) SPACES PER ONE (1) STORAGE OR SITE EQUIPMENT. REQUIRED SPACES:

PARKING PROVIDED: 6 SPACES INCLUDING ONE PICK-UP AND FOUR DISPLAY SPACES.

NOTE: HANDICAP SPACES SHALL BE ADA COMPLIANT

BUFFER INFORMATION

1. EXISTING STRUCTURE WILL ACT AS OFFICE
2. EXISTING BASEMENT SHALL REMAIN
3. EXCEPT AS PROVIDED BY THESE CONDITIONS, NO OTHER COMMERCIAL ACTIVITY SHALL TAKE PLACE ON THE STRUCTURE
4. CHANGES TO STRUCTURE SHALL BE ADDITION OF OFFICE IF REQUIRED BY ALLOW
5. NO ADDITIONAL STRUCTURES SHALL BE ADDED TO THE SITE
6. ANY ALTERATIONS TO THE BUILDING SHALL BE BY EXISTING WINDOWS OF BUILDING
7. NO VEHICLES SHALL BE KEPT ON SITE
8. FURNISHING WILL OCCUR ON SITE AT AREA OF BUILDING
9. THE RESIDENTIAL FLOOR OF THE HOUSE SHALL REMAIN
10. THERE WILL BE NO STAIRS OTHER THAN MAIN STAIRS REQUIRED

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Tracy Salton:
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